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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,095	07/30/2001	Tae-Sung Jung	678-719 (P9916)	2613
7590 04/18/2005				
Paul J. Farrell, Esq. DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553				
		EXAMINER KADING, JOSHUA A		
		ART UNIT PAPER NUMBER 2661		

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/918,095

Applicant(s)

JUNG, TAE-SUNG

Examiner

Joshua Kading

Art Unit

2661



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless –

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15 2. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,466,964 B1, Leung et al. (Leung).

Regarding claim 8, Leung discloses, "a method for exchanging data packets between a mobile node and a foreign agent while maintaining security therebetween, in a communication system including the mobile node having a unique mobile IP address, the foreign agent wirelessly connected to the mobile node, the foreign agent having a  
20 unique IP address, a home agent capable of performing bi-directional wire communication with the foreign agent, the home agent having mapped information of the mobile IP address of the mobile node and the IP address of the foreign agent, and a correspondent node capable of performing bi-directional wire communication with the home agent (*figure 1 as described in col. 1, lines 57-col. 2, lines 1-47*), the method  
25 comprising the steps of: decapsulating in the foreign agent a data packet received from the correspondent node and transmitting the decapsulated data packet to the mobile node, when the correspondent node transmits a data packet encapsulated with a

tunneling IP header for forward tunneling to the foreign agent using the IP address of the foreign agent (*col. 2, lines 24-47*); and upon receipt of a packet data for communication with the correspondent node from the mobile node through a radio channel, encapsulating in the foreign agent the received data packet with a tunneling IP header for reverse tunneling, and transmitting the encapsulated data packet to the correspondent node (*col. 11, lines 24-27 where here it is indicated that the foreign agent uses reverse tunneling, where tunneling makes use of encapsulation as described in col. 2, lines 24-47*)."

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 6,160,804, Ahmed et al. (Ahmed) in view of Leung et al.

Regarding claim 9, Ahmed discloses, "a method for transmitting a data packet from a mobile node to a node through a foreign agent while maintaining security correspondent therebetween, in a communication system including the mobile node having a unique mobile IP address, the foreign agent wirelessly connected to the mobile node, the foreign agent having a unique IP address, a home agent capable of performing bi-directional wire communication with the foreign agent, the home agent

having mapped information of the mobile IP address of the mobile node and the IP address of the foreign agent, and the correspondent node capable of performing bi-directional wire communication with the home agent (*figures 1 and 4*), the method comprising the steps of: receiving at the foreign agent a data packet for communication  
5 with the correspondent node from the mobile node through a radio channel (*figure 6A, blocks 608 and 610*); determining in the foreign agent whether the correspondent node can perform reverse tunneling, by consulting previously stored tunneling indication information (*figure 6A, block 612*); and transmitting the data packet to the correspondent node through the home agent, if the correspondent node cannot perform reverse  
10 tunneling (*figure 6A, block 618 followed to figure 6B, block 628*)."

However, Ahmed lacks what Leung discloses, "encapsulating the data packet with a tunneling IP header for reverse tunneling and transmitting the encapsulated data packet to the correspondent node, if the correspondent node can perform reverse tunneling (*col. 11, lines 24-27 where here it is indicated that the foreign agent uses*  
15 *reverse tunneling, where tunneling makes use of encapsulation as described in col. 2, lines 24-47*)."

It would have been obvious to one of ordinary skill in the art at the time of invention to include the reverse tunneling for the purpose of encapsulating data to a correspondent node from a mobile node (*Leung, col. 2, lines 34-43*). The motivation for  
20 encapsulating data and sending it between two nodes is so to allow for one or both nodes to roam to different networks while remaining in communication.

***Allowable Subject Matter***

5. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-7 are allowable because the prior art of record, in combination with all other claim limitations, fails to teach "tunneling indication information" that is transmitted from the correspondent node to the foreign agent.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading  
Examiner  
Art Unit 2661

10 April 15, 2005



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600